

BARONIUS PRESS, LTD.,
Plaintiff,
v.
SAINT BENEDICT PRESS LLC,
Defendant.

NOW COMES Defendant Saint Benedict Press, LLC and moves the Court pursuant to Rules 33, 34 and 37 of the Federal Rules of Civil Procedure to compel Plaintiff to respond fully to Defendant Saint Benedict Press, LLC's Second Set of Interrogatories and Requests for Production of Documents to Plaintiff Baronius Press, LTD. Plaintiff has failed and refused to fully respond to Defendant's Second Set of written discovery, as more particularly described in Defendant's Memorandum in Support of its Motion to Compel Discovery, despite multiple requests by Defendant for Plaintiff to do so. In support of this motion, Defendant shows the court the following:

1. On April 23, 2018, Defendant served Plaintiff with Defendant's Second Set of Interrogatories and Requests for Production of Documents ("Second Set of Discovery") seeking discovery regarding Plaintiff's alleged damages.
2. Plaintiff failed to respond fully to Defendant's Second Set of Discovery in that Plaintiff has refused to respond to certain requests regarding Plaintiff's damages.

Specifically Plaintiff has not fully responded to Interrogatory number 1 and Request for Production of Documents numbers 4, 8, and 9.

3. Plaintiff is also refusing to produce documents sent to and from a third party, Verlag Herder, which Defendant specifically requested from Plaintiff in its First Set of Interrogatories and Request for Production of Documents.
4. In addition, on April 26, 2018, Plaintiff produced to Defendant document bates stamped BP 00931. BP 00931 is an email between Plaintiff and a third party regarding Plaintiff's efforts to secure publishing rights relating to the work at issue. Plaintiff redacted a portion of the email. The redacted portion appears to concern Plaintiff's efforts to obtain rights relating to the work, an issue fundamental to Plaintiff's copyright infringement claim. Plaintiff refuses to produce an unredacted version of the email on the basis that it is a "trade secret."
5. Defendant has conferred with Plaintiff in good faith and has exhausted that requirement of Subpart D, *infra*, in an attempt to resolve the dispute, and the parties are unable to do so.
6. Pursuant to Section II, Subpart D of the Court's September 25, 2017 Pretrial Order and Case Management Plan, Defendant has requested a conference with the Court in accordance with Rule 16(b)(1)(B). (Doc. No. 29).
7. This motion is made for good cause, in good faith, and not for the purpose of undue delay.

WHEREFORE, Defendant Saint Benedict Press, LLC respectfully requests that the Court compel Plaintiff: (1) to fully respond to Interrogatory number 1 and to Request for Production of Documents numbers 4, 8, and 9 of Defendant's Second Set of Interrogatories and

Requests for Production of Documents; (2) to produce the Verlag Herder documents; (3) to produce an unredacted copy of BP 00931, and (4) to grant Plaintiff its costs incurred in bringing this Motion, in accordance with Rule 37.

Respectfully submitted this 23rd day of October, 2018.

/s/ Natalie D. Potter

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CERTIFICATE OF SERVICE

I hereby certify I electronically filed this document through the CM/ECF system, which will send a notice of electronic filing to:

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This the 23rd day of October, 2018.

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